REMARKS

Claims 1-18 are pending in this application, all of which stand rejected. In this response, Applicants amend claim 13 to correct an inadvertent spelling error. No new matter is added. Applicants respectfully traverse the Examiner's rejections. Further examination and review in view of the remarks below are respectfully requested.

In the Office Action mailed on February 23, 2004 (Paper No. 9), the Examiner rejected claims 1-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,173,287 to Eberman et al. ("Eberman") in view of U.S. Patent No. 6,584,468 to Gabriel et al. ("Gabriel"). Applicants respectfully traverse this rejection.

Applicants' techniques are directed to ranking the relevancy of metadata associated with multimedia and streaming media. Various factors are utilized to find, extract and enhance such metadata. The metadata is then categorized into broad categories such as who, what, when and where, and weights are assigned to each set of metadata. A relevancy score is calculated for each set of metadata based on the assigned weights.

All of the claims stand rejected over Eberman in view of Gabriel. Eberman describes a technique for assessing an item of interest within a stored representation of data. The described techniques use annotations and search identifiers to locate and access a particular item of interest within multimedia content.

All of Applicants' claims include the common feature of categorizing the metadata associated with the media and calculating a score for ranking a relevancy of a result set based on the weight assigned to each set of metadata. In rejecting the claims, the Examiner indicated that computing a score of a document by assigning weights to each query word based on the rarity of the query word in the document as disclosed in Eberman (col. 21, lines 35-67) corresponds to the provision of calculating a score for ranking a relevancy of a result set based on the weight assigned to each set of metadata.

Applicants respectfully disagree. The cited reference of Eberman has nothing to do with calculating a score based on weights assigned to metadata. The cited

reference of Eberman is a discussion of an unmodified document retrieval technique that "requires using all of the words in a document for determining the weight of the document" (col. 21, lines 48-50), and that "the importance of a document is based on the number of occurrences of each query word within the document." (col. 21, lines 35-37). The unmodified document retrieval technique discussed in Eberman operates on the content (i.e., words) of a document, which is properly characterized as data, not metadata. Moreover, the score or importance of the document is based on the content of the document and not on weights assigned to metadata. Thus, Eberman fails to disclose, suggest or teach the feature of calculating a score for ranking a relevancy of a result set based on the weight assigned to each set of metadata.

With reference to Applicants' feature of categorizing the metadata, the Examiner admitted that "Eberman et al. does not teach categorizing metadata," but asserted that "Gabriel et al. teaches categorizing metadata (Gabriel et al. col. 5 line 63 – col. 6, line 67)," and that "it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Eberman et al. by the teaching of Gabriel et al. because providing categorizing metadata allows more efficient and effective way to catalog or index specialized information as taught by Gabriel et al."

Applicants respectfully disagree. Gabriel is directed to indexing files of information relevant to people and resources in a particular field. According to the cited reference of Gabriel, the information is parsed into two general types of information, content and additional links to additional files, and weights are assigned to the content and the additional links that are deemed relevant. The categorizing of Gabriel is of the information (i.e., content and links) contained in a file, as indicated by the reference to parsing the information (i.e., file). This is not categorizing metadata, which is data about data. Thus, Gabriel fails to disclose, suggest or teach the feature of categorizing metadata.

Additionally, according to the Manual of Patent Examining Procedure and controlling case law, the motivation to combine or extend prior art references under 35 U.S.C. § 103(a) cannot be based on mere common knowledge and common sense as to benefits that would result from such combination or modification. Instead, such

motivation must be based upon specific teaching in the prior art, such as a specific suggestion in a prior art reference.

> To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

> *The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art*, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Manual of Patent Examining Procedure, § 2143 (emphasis added).

In contrast to this well-established standard, the motivation to combine these two prior art references in accordance with the claimed invention provided by the Examiner is based solely on the alleged beneficial results that would be produced by this combination, without identifying any motivation from the prior art that supports the extension as is required. Applicants accordingly request that the Examiner reconsider and withdraw this rejection. If the Examiner elects to maintain this rejection, however, Applicants respectfully request that the Examiner explain with the required specificity where a suggestion or motivation to combine the references in the manner proposed by the Examiner can be found in the prior art.

Conclusion

In view of the foregoing, Applicants respectfully submit that claims 1-18 are allowable and ask that this application be passed to allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-8000.

Respectfully submitted,
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